



STATE OF MARYLAND

**DHMH**

Maryland Department of Health and Mental Hygiene

*Board Of Physical Therapy Examiners*

## BOARD MEETING MINUTES

**August 18, 2009**

The August 18, 2009 meeting was called to order at 1:05 p.m.  
by the Chairperson, Margery Rodgers, PT.

**Board members present:**

John Baker, PT  
Ved K. Gupta, Consumer Member  
Shirley Leeper, PTA, Vice Chairperson  
Lori Mizell, PT  
Donald Novak, PT  
Stephen Ryan, PT

**Also present:**

Ann E. Tyminski, Executive Director  
Patricia Miller, Licensing Coordinator  
Sandra Kurland, Board Secretary  
Deborah Jackson, Secretary  
Ernest Bures, Investigator/Compliance Officer  
Teresa Thornton, Investigator  
Linda Bethman, AAG, Board Counsel  
Francesca Gibbs, Staff Attorney  
Sharon Bloom  
Paula Hollinger  
Martin J. Taylor, PT applicant  
Sharon Opdyke, PTA  
Susan Layton, Vice President, FSBPT  
Senora Simpson, PT, FSBPT Board of Directors

**Absent:**

Lois Rosedom-Boyd, Consumer Member  
Joy E. Aaron, Deputy Director

Ann Tyminski welcomed Susan Layton, VP, FSBPT and  
Senora Simpson, PT, Board Member, FSBPT.

FSBPT  
Presentation

Ms. Layton and Ms. Simpson gave a presentation on FSBPT's  
Continuing Competency Program and aPTitude. She left some handouts  
with Board members.

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| The Agenda was approved.   | Agenda Approved       |
| Mrs. Tyminski announced to the Board that Ms. Thornton was leaving her position on August 25 to assume an investigator position at the Board of Physicians. An exception to the hiring freeze has been requested to fill her position.   | Teresa Thornton       |
| The Minutes of the Open Session for July 21, 2009 were approved as amended.  | Minutes               |
| Expense sheets were handed out and collected.  | Expense Sheets        |
| Margery Rodgers, PT, Board Chair signed the proposed response to Carol Tameris in reference to referrals within Calvert Hospital.  | Response re Referrals |
| Shirley Leeper, PTA, Vice Chair reported on the CEU audit. There are still 3 people who have not answered the certified letters that went out.   | CEU Audit             |
| The reinstatement of Brian Ashton was presented by Ann Tyminski. Mr. Ashton's check in the amount of \$400 for reinstatement of his license was returned as "insufficient funds" on a closed account. Mr. Ashton has not responded to the letter sent from the Board. Linda Bethman, Board Council suggested another letter be hand delivered to Mr. Ashton's address of record. Mr. Ashton has until Friday, August 28 <sup>th</sup> to respond or the Board will take possession of his license as he will be considered not reinstated. At that time the Chiropractic Board and the Acupuncture Board will be notified. | Brian Ashton, PT      |
| Ann Tyminski reviewed the 2009 renewal payments that were denied. Letters were sent to Diana Naylor, PT, Jeffrey Davis, PT, and Dana Janel White, PT. Mrs. Tyminski was urged to follow up immediately. Ms. Bethman indicated all letters of this type should be sent Certified Mail.  | Non-paid Renewals     |
| Joseph Daly sent an e-mail to Joy Aaron asking the Board to review additional information for the CEU course "Understanding Depression in the Elderly". This CEU was not reviewed because submission of application was not submitted timely. The CEU committee will re-evaluate the information.  | CEU Course            |
| Ann Tyminski reviewed the HB 1275 – Workgroup Recommendations for the Physical Therapy Board. The majority of the sections of the bill have already been implemented by the PT Board.  | HB 1275               |

The report on dry needling by Jan Dommerholt, PT is being held over for the October Board meeting. Members of the Acupuncture Board will attend and Mr. Dommerholt will present dry needling as performed by physical therapists.

Dry Needling

Maria Poltorak inquired about documentation in reference to a PTA performing an MMT. The Board stated that the PTA may perform the test, but not evaluate the findings. Ms. Leeper was requested to write the response.

Manual Muscle Testing

Judith McLeod inquired if PTAs are allowed to perform Berg balance testing. Shirley Leeper will respond to her question, and Linda Bethman will review Ms. Leeper's response.

Berg Balance Testing

Ms. Tyminski received an e-mail from Jodi Werner Rosenberg, PT, in reference to PTAs completing the WeeFIM on inpatient rehab population. The Board stated that this test is not usually a part of physical therapy. A response will be drafted that will state anyone who is certified to perform WeeFIM may do so but if it is part of the physical therapy treatment plan, then it is not appropriate for a PTA to perform the WeeFIM as it involves patient assessment.

WeeFIM

Linda Bethman reviewed Animal PT and the court decision regarding therapy on animals. Mrs. Tyminski related that APTA of MD has a meeting scheduled for September 24 to discuss physical therapists treating animals.

Massage Therapy

Barri Schnall, PT has extended an invitation to the Board members and staff to visit the Rehab Dept. at Walter Reed Hospital in the District of Columbia. September 24, 2009 has been set for the visit. Margery Rodgers, Ved Gupta, Lori Mizell, Donald Novak, Shirley Leeper, Francesca Gibbs, Ernest Bures, Paula Hollinger and Sharon Bloom have expressed interest in attending. Mrs. Tyminski will finalize the number of attendees and contact Ms. Schnall.

Visit to Walter Reed Rehab Dept.

Income Statements were distributed.

Income Statements

Minutes of the APTA Legislative Committee Conference Call were reviewed. Mrs. Tyminski explained that there were two items in the Board's bill proposal for the 2010 session that were troubling to the APTA. One was increasing the penalty on licensees for certain violations of the Practice Act from \$5,000 to \$10,000. The Board requested research on which Boards had the ability to fine up to \$10,000. The second problem area was the removal of the prohibition of physical therapists using x-rays. The Board members related that using x-rays now appears in the Guide for PT Practice produced by the APTA and also is simply good standard of care and the use of x-rays is now being taught in the DPT curriculum.

APTA Leg. Comm.

Ms. Bethman said that she had requested the Board Counsel for to find out whether that Board is interested in having a dialogue about their ability to treat patients with physical therapy as outlined in the Physical Therapy Act. The response was that the Chiropractic Board is definitely not interested in changing what has been in place for over 50 years. Ms. Tyminski said she would relay that message to APTA because their Legislative Committee had considered contacting the Chiropractic Board about the same issue.

Chiropractic Board

An updated list of current board member information was distributed.

A report for evaluative criteria for programs from CAPTE was distributed.

Mr. Martin J. Taylor spoke on his behalf in reference to his application.

The Board unanimously voted to close the open session at 2:45 for the purpose of engaging in medical review committee deliberations of physical therapist applications in accordance with State Government Article S10-50 8(a) (13).

The Board adjourned the Closed Session at 3:20 p.m., and immediately convened an Administrative Session. The same board members attending the open session remained for the Administrative Session unless recused on a particular matter.

Respectfully submitted,



Ann Tyminski, Executive Director

September 15 2009  
Date approved



Margery F. Rodgers, Chairperson